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Appl. No. : 09/855,340  
Applicant : Hosted et al.  
Filed : May 15, 2001  
TC/AU : 1636  
Examiner : Walter Schlapkohl  
Docket No. : IN01164K US  
Confirm No.: 9296

Declaration by Dr. Thomas Hosted, Jr. Under 37 C.F.R. §  
1.131

I, Dr. Thomas Hosted, Jr., co-inventor of the above-  
referenced patent application, declare as follows:

1. The *Xis* gene polynucleotide was isolated and the nucleotide sequence of the gene was identified to be as set forth in SEQ ID NO: 2 before the January 12, 2000 priority date of U.S. patent application publication no. 2004/0101832 and U.S. patent no. 6,861,513.
2. Enclosed exhibit A is a true copy of a page from my laboratory notebook showing the sequence data referred to in paragraph 1 (dates redacted). The nucleotide and amino acid sequence labeled "Xis like" is the *Xis* sequence.
3. The *M. carbonacea* attP/attB region was isolated and the nucleotide sequence of the region was identified to be as set forth in SEQ ID NO: 6 before the January 12, 2000 priority date of U.S. patent application publication no. 2004/0101832 and U.S. patent no. 6,861,513.
4. Enclosed exhibit B is a true copy of a page from my laboratory notebook showing the sequence data referred to in paragraph 3 (dates redacted). The notebook page of exhibit B includes a comparison between two nucleotide sequences. The bottom sequence, from

nucleotides 188 to 434, is the attP/attB region of SEQ ID NO: 6.

5. All the above statements were made with the knowledge that willful false statements and the like are punishable by fine and/or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that any such willful false statement may jeopardize the validity of this application or any patent resulting therefrom.

Date: 9-26-05

  
Thomas J. Hosted, Jr.